

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JANIS SCHOPP,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:04CV1475 ERW
	)	
JO ANNE B. BARNHART,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

**ORDER**

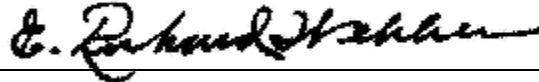
This matter is before the Court upon the Report and Recommendation of United States Magistrate Judge Thomas C. Mummert, III pursuant to 28 U.S.C. § 636(b). The Court notes that no objections to the Report and Recommendation have been filed within the time afforded by 28 U.S.C. § 636(b)(1).

Pursuant to 42 U.S.C. § 405(g), a party may seek review of any final decision of the Commissioner of Social Security. As detailed in the Report and Recommendation, it was proper that the Administrative Law Judge not consider the diagnoses of fibromyalgia, migraines and somatoform disorder when assessing Plaintiff's Residual Functional Capacity. Similarly, the ALJ's evaluation of Plaintiff's credibility was based on substantial evidence in the record. Finally, the hypothetical question posed to the vocational expert was properly based on the impairments supported by substantial evidence in the record. Therefore, after consideration of the issues, the Court hereby sustains, adopts and incorporates herein the Magistrate's Report and Recommendation.

Accordingly,

**IT IS HEREBY ORDERED** that the decision of the Commissioner denying Plaintiff Janis Schopp's application for Disability Insurance Benefits pursuant to Title II of the Social Security Act is **AFFIRMED** and this case is **DISMISSED**.

Dated this 6th day of July, 2006.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written over a horizontal line.

E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE